

Priorities for the EU's New Foreign Policy Agenda up to 2024: Unleashing the Potential of the Common Foreign and Security Policy

Puglierin, Jana

Veröffentlichungsversion / Published Version
Arbeitspapier / working paper

Empfohlene Zitierung / Suggested Citation:

Puglierin, J. (2019). *Priorities for the EU's New Foreign Policy Agenda up to 2024: Unleashing the Potential of the Common Foreign and Security Policy*. (DGAP Analysis, 1). Berlin: Forschungsinstitut der Deutschen Gesellschaft für Auswärtige Politik e.V.. <https://nbn-resolving.org/urn:nbn:de:0168-ssoar-66094-5>

Nutzungsbedingungen:

Dieser Text wird unter einer CC BY-NC-ND Lizenz (Namensnennung-Nicht-kommerziell-Keine Bearbeitung) zur Verfügung gestellt. Nähere Auskünfte zu den CC-Lizenzen finden Sie hier:
<https://creativecommons.org/licenses/by-nc-nd/4.0/deed.de>

Terms of use:

This document is made available under a CC BY-NC-ND Licence (Attribution-Non Commercial-NoDerivatives). For more information see:
<https://creativecommons.org/licenses/by-nc-nd/4.0>



Jana Puglierin
heads the Alfred von
Oppenheim Center for
European Policy Studies

Priorities for the EU's New Foreign Policy Agenda up to 2024

Unleashing the Potential of the Common Foreign and Security Policy

Given the changing international environment and mounting external challenges, taking practical steps toward a more effective Common Foreign and Security Policy (CFSP) must become a top concern for the EU in its new political-institutional cycle.

- The fresh start in Brussels in terms of personnel and setup offers an opportunity to revise CFSP's priorities, as well as its conceptual and institutional framework.
- Better realizing CFSP's potential presupposes that member states are willing to subordinate their own national objectives to a common European goal and make the necessary compromises.
- Practical measures to improve the CFSP's effectiveness include exploiting the full potential of the treaties, ad hoc coalition building, and redefining the role the High Representative.

EXECUTIVE SUMMARY

The changing international environment and mounting external challenges have given new momentum to further developing the EU's Common Foreign and Security Policy (CFSP). Promoting European interests and values on the global stage and increasing the EU's capacity to act autonomously are among the main priorities of the European Council's new strategic agenda for 2019–2024. In it, the European Council commits to making more resources available and to better using those the EU already has at its disposal. The designated new European Commission President Ursula von der Leyen also supports a "stronger Europe in the world" and wants to increase the Commission's focus on external action. It is important that announcements are now followed by actual deeds, but the conditions remain difficult.

At a time when, more than ever, the EU needs to act as a united international player in order not to become a pawn in the hands of major powers, the European member states are increasingly struggling to find the energy and political will to set aside their disagreements and focus on the European common interest.

Looking back on the ten years since the Lisbon Treaty became effective illustrates how difficult it remains to find the necessary consensus and support for joint foreign policy action within the CFSP framework. The EU often had no adequate answers to foreign policy crises, and its influence on the international system as a whole has declined.

The reasons that have so far prevented a proactive and coherent European foreign policy are connected to the nature of foreign policy as a core element of national identity and sovereignty. They are also deeply rooted in the structural inconsistency of supranational and intergovernmental elements in CFSP governance. In sum, CFSP suffers from

- *an ongoing lack of unity and consistency both between EU institutions and member states and between the member states' national foreign policies;*
- *the reluctance of member states to hand over sovereignty and powers to Brussels;*
- *a lack of loyalty and (therefore) a lack of willingness to compromise;*
- *the member states' skepticism about the added value of the EU as a framework for foreign policy action;*
- *a fragmentation of external competences.*

Today, the number of foreign policy challenges has massively increased. Given the limited influence that even the largest European countries have relative to major powers like the US or China, the EU is the only instrument European states will be able to use to advance some – if not all – of their most important foreign policy objectives.

Although the list of foreign policy challenges for the EU is long, four crucial areas stand out because they shake the very foundations of European foreign policy. In these areas, Europeans have only two options: collective empowerment or autonomous decline. They are:

- *Protecting multilateralism in an increasingly national, unilateral world*
- *Shoring up the transatlantic relationship*
- *Dealing with a rising China*
- *Catching up in the race for AI and new technologies*

In order to create a more effective Common Foreign and Security Policy, big institutional reforms, implying treaty changes, are currently not in the cards. Nor is it likely that member states will show an increased willingness to hand over significantly more sovereignty to Brussels.

There are, however, several good ways to further develop the CFSP governance structure in order to better enable the EU to address these challenges and unleash the EU's foreign policy potential. They are not mutually exclusive, but present different options that should be followed flexibly depending on their prospect for success. In the end, the Union's ability to act is less determined by the actors and parameters by which the CFSP will ultimately be further developed. Rather, it is more important for member states and institutions to speak with one voice and for the measures taken to strengthen, rather than undermine, the cohesion of the EU. This report presents the following practical instruments and methods that would improve the CFSP's effectiveness and could be applied within the given operational framework.

Strengthen European foreign policy interests by exploiting the full potential of the EU's legal framework: The Lisbon Treaty provides more scope for the Europeanization of foreign policy than is currently being used. While some of the treaty's unused instruments could speed-up the decision-making process and would give external powers much less incentive to cultivate Trojan horses in the EU, the realization of this potential depends solely on the political will of the member states. When pushing for progress on the implementation of the treaty's unused instruments, one should be careful not to dissuade more member states from pursuing their common foreign policy interests through the EU legal framework. After all, qualified majority voting (QMV) or "constructive abstention" are not silver bullets for solving all of the CFSP's problems in one fell swoop.

Embrace the trend toward ad hoc coalitions ensuring this does not weaken EU cohesion and democratic legitimacy: In the coming years, European states might have to choose what is more important to them even more often: EU unity or the European ability to act. It might well be that the latter cannot be achieved with all 27 member states (after Brexit). Some European member states may be even more willing to move ahead with a selected group of like-minded partners that are ready to act together expediently. It is important to shape the coalitions in a way that does not undermine the cohesion of the EU-27.

The involvement of EU officials, respect for smaller partners' sensibilities, and an inclusive and transparent approach are essential. The European Council should focus much more on foreign policy issues than is currently the case, and its president, Charles Michel, should steer this debate in a strategic way. A good working method would be to discuss foreign policy objectives and strategy together in the European Council and then task a coalition of willing-and-able member states with their implementation, offering incentives.

Apply the "Barnier method" to CFSP: Discussing how to create a stronger CFSP – one that is more than the extended arm of national foreign policies – presupposes that the member states are actually prepared to grant real leadership to an actor that speaks and acts on behalf of the EU.

The Brexit negotiations serve as a role model for how such an approach can be successfully imple-

mented, taking the interests of both the member states and the institutions into account. While Michel Barnier was able to speak on behalf of the EU and his task force coordinated the Commission's work on all strategic, operational, legal, and financial issues related to these negotiations, member states remained in the driver's seat of the negotiations at all times. This method could also be applied to foreign policy.

Redefine the role of the High Representative (HR): Josep Borrell, the new designated HR, may be able to lend more energy and charisma to European foreign policy in the future. He has considerably greater experience than his predecessor, Federica Mogherini, and is known for not shying away from conflict. Much will depend on Borrell's good relationship with von der Leyen and Michel, as well as on his ability to obtain the trust of the member states. However, there should be realistic expectations from the outset since he will have only limited influence and shaping power.

In terms of work share, Borrell should be tasked with a clear mandate from the member states to actually lead some important foreign policy portfolios and negotiate on behalf of the Union, as in the case of Mogherini and her predecessor Catherine Ashton with Iran. One of his first priorities should be to start working on a follow-up document that revises the EU Global Strategy, making sure that member states fully buy in this time around.

THE NEED FOR A MORE ASSERTIVE COMMON FOREIGN AND SECURITY POLICY

The new leadership team in Brussels – President of the EU Commission Ursula von der Leyen, High Representative of the Union for Foreign Affairs and Security Policy Josep Borrell, and European Council President Charles Michel – will have to address an ambitious foreign policy agenda. The conditions for European foreign policy have changed radically in recent years. The EU currently finds itself in a world dominated by the rivalries of major powers, with a rising and ever more vigorous China, a revisionist Russia, and a United States that endorses a

er, the EU needs to act as a united international player in order not to become a pawn in the hands of the great powers, European member states are increasingly struggling to find the energy and political will to set aside their disagreements and focus on the European common interest. As a consequence, the EU has often had no adequate answers to foreign policy crises in recent years, and its influence on the international system as a whole has declined.

It is long past time for the EU to achieve more European “strategic autonomy,” defined as the “ability to act, together with [...] partners wherever possible, but alone when necessary.”¹ So far, the debate about “strategic autonomy” and the attention of European foreign policy decision-makers and EU institutions has primarily focused on defense issues – not least because of how President Trump has pressured the Europeans to take on more of the military burden and deal with the multiple crises in Europe’s neighborhood without America’s help. As a result, in the last three years, the EU has directed a lot of its energy toward strengthening the Common Security and Defense Policy (CSDP). In the process, it has achieved visible successes, notably the establishment of the Permanent Structured Cooperation (PESCO) and the European Defense Fund (EDF), whose purpose is to jointly develop European defense capabilities, invest in shared projects, and enhance the operational readiness of armed forces. But while there has been some progress on European defense policy, the overarching diplomatic and foreign policy framework is still very much missing.

This paper therefore looks for ways to improve the EU’s ability to act in foreign and security policy. First, it takes stock of the state of CFSP ten years after the Treaty of Lisbon in order to shed light on the factors that have so far prevented a proactive and coherent European foreign policy that corresponds to the economic and political weight of the Union. It then gives recommendations to member states and EU institutions on the foreign policy areas the EU needs to prioritize in the next institutional cycle. Finally, it identifies ways to reform current governance structures to take CFSP forward and make it more effective.

THE NEED FOR A MORE ASSERTIVE COMMON FOREIGN AND SECURITY POLICY	4
TAKING STOCK OF CFSP TEN YEARS AFTER THE LISBON TREATY	5
PRIORITIES FOR EU FOREIGN POLICY 2019–2024	7
HOW TO TAKE THE CFSP FORWARD: GOVERNANCE STRUCTURES AND INSTITUTIONAL SETUP	12

transactional worldview while promoting “America First.” The EU’s “business model,” based on multilateralism and the rules-based international order, is increasingly under pressure, even within Europe. Over the past decade, the EU’s effort to project this model outward has collapsed; its immediate neighborhood has transformed from a circle of potential friends and partners into a ring of instability.

These international developments have hit the EU at a time when it is absorbed by a multitude of crises at home. Many states are paralyzed by domestic challenges. After the 2008 financial crash and the subsequent crisis in the Eurozone, followed by the huge 2015 migrant influx, Europeans are deeply divided on essential political questions. There is little agreement about which goals they want to pursue through European integration. At a time when, more than ev-

1 European External Action Service, The European Union’s Global Strategy: Three Years On, Looking Forward (June 13, 2019), p. 30 <https://eeas.europa.eu/sites/eeas/files/eu_global_strategy_2019.pdf> (accessed August 30, 2019).

TAKING STOCK OF CFSP TEN YEARS AFTER THE LISBON TREATY

The Treaty of Lisbon, which became effective in December 2009, aimed to sustainably improve the coherence of the CFSP and enhance the EU's ability to speak with one voice internationally. The idea was to delegate formal leadership functions – such as agenda-setting, coordination, and representation – to Brussels by creating the European External Action Service (EEAS) and bolstering the position of the EU High Representative (HR), making the HR also the Vice-President of the Commission and head of the European Defense Agency. The hope was that this would generate a new dynamic between the member states and EU institutions, with the overarching goal of more consistency and greater cohesion.²

A Mixed Track Record

To some extent, these changes have paid off. The EU has established a densely institutionalized system of foreign policy consultation and cooperation in Brussels. Its foreign policy machinery now functions more efficiently and with less friction than before. Moreover, the Lisbon Treaty has clearly enhanced the range of instruments available for EU action in the field of CFSP. For smaller member states in particular, EU missions abroad often provide access and knowledge that would not otherwise be available. There has also been a legal evolution of the CFSP in recent years, and an increase in the number of EU restrictive measures (sanctions). Christophe Hillion, an expert on European law, rightly points out that the new European defense initiatives “seemingly instill a culture of obligation and monitoring in a policy area whose hallmark has traditionally been their absence.”³ Certainly, the CFSP has become less peripheral in the EU's overall policy-making. However, in many areas, the CFSP still falls short.

Although the Lisbon Treaty has strengthened the EU's foreign policy machinery, Europe's overall influence over the international system has been decreasing, and the EU has rarely succeeded in finding a quick and decisive common response to international challenges. The track record of the EU in crisis management over the past tumultuous decade is mixed at best.

The EU has done well to maintain agreement on the jointly imposed sanctions against Russia following the annexation of Crimea despite wavering from some member states. The sanctions remain in force to this day. The EU has also played a crucial role in mediating direct talks between Serbia and

Kosovo (the “EU-facilitated dialogue”) aimed at normalizing relations between the two sides. The EU3 (Germany, France, and the UK, plus the High Representative) enabled the EU to play a fundamental role in negotiating the Iran nuclear deal – the so-called Joint Comprehensive Plan of Action (JCPOA) – which is unquestionably the EU's signature foreign policy achievement of the last decade.

The JCPOA is the EU's foreign policy achievement of the last decade

However, these successes are the exception rather than the rule, and some will probably be short lived. The dialogue between Serbia and Kosovo has stalled since 2016, and the EU has not managed to restart negotiations despite several attempts. And it is still unclear whether the EU can counter the Trump administration's strategy of “maximum pressure” on Iran and save the JCPOA. Unfortunately, the odds are not very good.

On the debit side of the Union's foreign policy balance sheet is certainly the total helplessness with which the EU reacted to the Arab uprisings after 2011. The EU has had very little presence in the Middle East. It has been largely absent in Syria, which is, after all, the biggest crisis hotspot in its southern neighborhood and poses an enormous threat to the stability of the EU – in particular, through the large number of refugees leaving for Europe. In Libya, the EU has so far been unable to tackle the post-revolutionary chaos after NATO's intervention in 2011. Here, for some time now, the EU's most engaged member states – France and Italy – have preferred to torpedo each other's Libya policies rather than set aside their differences and seek a united European position. The fact is that the EU neither had the means nor the political will to play a decisive role in managing most of the foreign and security crises of the last ten years, not even in its own neighborhood.

2 Gisela Müller-Brandeck-Bocquet and Carolin Rüger, *Die Außenpolitik der EU* (Berlin/Boston 2015), pp. 123–32.

3 Christophe Hillion, “Editorial Comments,” *Common Market Law Review* 55 (2018), pp. 3–4.

Reasons for the EU's Lack of Ability to Act

In sum, CFSP suffers from

- *an ongoing lack of unity and consistency both between EU institutions and member states and between the member states' national foreign policies;*
- *the reluctance of member states to hand over sovereignty and powers to Brussels;*
- *a lack of loyalty and (therefore) a lack of willingness to compromise;*
- *the member states' skepticism about the added value of the EU as a framework for foreign policy action;*
- *a fragmentation of external competences.*

EU foreign policy remains a prerogative of the nation-states: Despite the "Brusselization" of the CFSP, the EU's foreign policy machinery remains detached from actual decision-making, which is still intergovernmental and based on unanimity. Consequently, all major strategic decisions in CFSP continue to be taken at the level of the heads of state and government: in the European Council. CFSP is often little more than an expression of the "lowest common denominator" of diverging interests.

Many doubt whether the post-Lisbon setup has led to more efficiency

Furthermore, EU institutions still lack the power to prevent member states from pursuing their own independent foreign policies, which they are running in parallel to that of the Union, and which are shaped by their different geopolitical interests, threat assessments, socioeconomic aims, and historical trajectories. Over the past ten years, divergent national points of view have frequently led to an uncoordinated cacophony instead of a common EU position. Although member states are obliged by the Lisbon Treaty to cooperate and coordinate their policies in order to achieve a higher degree of coherence in European foreign policy, this principle of loyal cooperation is de facto unenforceable. Member states'

actions are only constrained by their sense of loyalty. If a single member state decides to break ranks and ignore a position that had previously been jointly agreed, the EU is a helpless bystander. This has prevented the EU from expressing a unified position in many critical cases, as the failure to adopt joint statements on China, Venezuela, or the INF Treaty has demonstrated.

The unanimity principle in European foreign policy has not only stalled or hampered the EU's decision-making process in the last decade, but it has also offered an incentive for foreign powers to cultivate Trojan horses among the EU member states, through which they are able to influence decisions or block them altogether.

CFSP is moving in circles: The CFSP is trapped in a vicious circle. On the one hand, Brussels institutions do not have the necessary power to successfully shape foreign policy because the member states do not want to give up crucial competences and sovereignty. Member states have twice appointed relatively low-profile figures who had little experience for the post of European foreign policy chief – Catherine Ashton and Federica Mogherini as HRs. These appointments can be explained by the unwillingness of the member states to underpin the strengthened position of the High Representative with a political heavyweight. It is therefore no surprise that, like Ashton before her, Mogherini has remained relatively pale in office, especially when compared to the former "Mr. CFSP" Javier Solana.

Many member states, in turn, doubt whether the post-Lisbon institutional setup has led to more efficiency and question the usefulness of the HR and the added value of the EEAS, making them even more reluctant to give up further competences and empower Brussels.⁴ But if member states do not delegate competences to EU institutions and trust the HR and the EEAS more, these Brussels organizations will never be able to prove that they are better positioned to address collective problems than the member states.

Member states often do not see the added value of working through CFSP: Recent years have shown that member states often choose informal ways to cooperate on a minilateral basis, rather than use the formal institutional structures and procedures of the CFSP.⁵ For member states, the added value of work-

⁴ This was a key takeaway from our workshop in Berlin.

⁵ For further reading, see Lisbeth Aggestam and Federica Bicchì, "New Directions in EU Foreign Policy Governance: Cross-loading, Leadership and

ing through the CFSP framework has to be considerable to justify the hurdles. Firstly, since decisions have to be taken by consensus, the decision-making process is more cumbersome and much slower.

Secondly, in the minds of national decision-makers, domestic political considerations carry a lot of weight. As Euroskeptic parties have risen throughout Europe, their skepticism toward “Brussels” has also found its way into the foreign policy discourses of the European member states. This makes it harder for national decision-makers to argue for the benefit of working through EU structures and to get public support – especially because the EU has so few foreign policy success stories to show, and political legitimacy is anchored at the national level.

After having made an evaluation of the relative effectiveness – and political expediency – of the various means at their disposal, member states have often preferred to make foreign policy initiatives on their own or in small, informal coalitions – even though they could have submitted initiatives directly to the Council to get the EU to take action. This trend increases the risk that the EU framework will become arbitrarily interchangeable and that member states will start to look at the EU as just another one of the multilateral forums where they pursue their national foreign policy goals. What's more, it weakens the sense of loyalty that is supposed to discourage member states from going it alone at a national level.

On the other hand, the establishment of an informal coalition of states was often the only possible way to address specific policy issues at all, such as when the EU – through its formal institutions or legal framework – was unable or unwilling to take action. In its December 12, 2018, resolution on the annual report on the implementation of the Common Foreign and Security Policy, the European Parliament acknowledged that ad hoc coalitions of member states “could render EU external action more flexible and responsive in the short term in addressing changing situations, by reducing the pressure of having to achieve universal consensus among the member states.”⁶

EU's external action is fragmented: An additional structural problem is that the CFSP is only one part of the EU's external relations. The whole spectrum of EU external action goes far beyond the CFSP and includes trade and development policy, humanitar-

ian aid, enlargement, and neighborhood policy, as well as external aspects of migration or environmental policy. While the CFSP continues to be decided by the member states, the other areas are largely within the competence of the Commission. Even though the Lisbon Treaty tasks the High Representative, in his secondary capacity as Vice-President of the Commission, to ensure a certain coherence, there remains a lack of coordination between him, the member states, and the Commissioners in dealing with external competences. The EU Global Strategy (EUGS) recognizes this predicament and calls for a more “joined up Union” and an integrated approach, highlighting that more cooperation among the EEAS, the other institutions, and the member states is needed. However, work still needs to be done, especially since some of the most pressing foreign policy challenges include areas not strictly within CFSP – like trade wars, emerging technologies, or climate change.

PRIORITIES FOR EU FOREIGN POLICY 2019–2024

The ten years since Lisbon have shown how difficult it still is to find the necessary consensus, political will, and support for joint foreign policy action within the CFSP framework.

However, given the massive increase of foreign policy challenges and the limited influence that even the largest European countries have relative to major powers like the US or China, the EU is the only instrument through which European states will be able to advance some of their most important foreign policy objectives. The list of foreign policy issues that the EU needs to tackle is long, including a better neighborhood policy and climate change.

Nevertheless, four crucial areas stand out because they shake the very foundations of European foreign policy. If European leaders do not manage to come up with a strong collective response in these crucial policy areas, they will not be able to shape many other related policy areas according to their preferences.

Informal Groupings,” *Journal of Common Market Studies* 57, no. 3 (2019), pp. 515–32.

6 European Parliament resolution of December 12, 2018, on the annual report on the implementation of the Common Foreign and Security Policy (2018/2097(INI)) <http://www.europarl.europa.eu/doceo/document/TA-8-2018-0513_EN.html> (accessed August 30, 2019).

In these areas, Europeans have only two options: collective empowerment or autonomous decline.⁷ The four crucial policy areas are:

- *Protecting multilateralism in an increasingly national, unilateral world*
- *Shoring up the transatlantic relationship*
- *Dealing with a rising China*
- *Catching up in the race for AI and new technologies*

Protecting Multilateralism in an Increasingly National, Unilateral World: Dealing with great-power politics as a driving force for international cooperation: As a primarily “civilian power” that is reluctant to use military means and emphasizes soft power, multilateralism, and legal solutions, the EU was not designed to pursue great-power politics. It therefore lacks not only the mindset, but also the necessary tools and instruments – first and foremost, military capabilities. The founding concept of the EU is the idea that the results of international cooperation are divisible, that international politics is not about who benefits most, but about everyone being better off when cooperating with each other. This means that the EU is currently not in line with the trend of the times. While the EU has thought of itself as an ex-

The 2016 EU Global Strategy took into account that the world had become more contested and conflictual.⁸ The document focused on stability and “principled pragmatism” rather than on transformation. But it remained vague about what resilience means in practice, how it can be made operational, and what resources it takes.⁹ Written before the Brexit referendum in the UK and Donald Trump’s election as American President, the GS’s strategic assessment is still very much a reflection of the Obama years.

One of the next High Representative’s first priorities, therefore, should be to start making revisions to a follow-up document, making sure that member states fully buy in this time around. Such a revised strategy must, in particular, outline the EU’s common approach toward the growing rivalry between the United States and China, as well as the further erosion of multilateralism and the rules-based international order. In the course of the writing process, the HR should initiate a debate among member states to jointly define the controversial term “strategic autonomy,” setting a concrete level of ambition for what the EU wants to be able to do on its own on the global stage in areas such as defense, trade, or technology. Additionally, the concept of resilience needs to be further operationalized.

Of course, mapping out such a strategy is not enough. The EU needs to enhance its ability to implement it. First and foremost, the EU needs to invest more in its ability to provide for its own defense, security, and prosperity. The diplomatic and economic potential of the EU can only be fully exploited if the EU is able to back it up – with adequate military means if necessary.

The new HR should initiate a debate to define the EU’s “strategic autonomy”

port model that would shape its neighborhood in its own image, it must now come to terms with the fact that it does not necessarily embody the most compelling idea of what the world will be like. Instead, the EU must adapt to things it thought would never happen. It needs to develop a strategy to defend its interests more robustly and to become more resilient so as not to turn into an anachronism.

Championing multilateralism as an anchor point for like-minded actors: As unsettling and threatening as it is, the shift toward nationalism and unilateralism can be an opportunity for the EU if it manages to turn its supposed weakness into a virtue and adopts an anti-cyclical approach. If the EU develops the ability, tools, instruments, and resources to single itself out as the one champion of the rules-based international order and sticks to its commitment to multilateralism and international cooperation, it will become an even more attractive partner for other like-minded actors

⁷ This expression was coined by Anand Menon, “Divided and Declining? Europe in a Changing World,” *Journal of Common Market Studies* 52, no. S1 (September 2014), p. 16.

⁸ Nathalie Tocci, “The making of the EU Global Strategy,” *Contemporary Security Policy* 37, no. 3 (2016), p. 464.

⁹ Sven Biscop, “The EU Global Strategy,” *Egmont Security Policy Brief* (March 2019), p. 3 <<http://www.egmontinstitute.be/content/uploads/2019/03/SPB108.pdf?type=pdf>> (accessed August 30, 2019).

like Japan, Australia, Canada, New Zealand, or South Korea, as well as others who feel the need to maintain the multilateral system and seek predictable and stable cooperation. The EU should continue to proactively look for those partners, especially because the US's turn toward protectionism has made the EU even more attractive in this regard. The recent trade agreements between the EU and Japan and the EU and Mercosur are a proof of this.

The European Policy Center's Giovanni Grevi nails it by stating that "in a context marked by the revival of nationalism and power politics, a rules-based Union of states and peoples seeking to establish rules-based international cooperation is a public good."¹⁰ The EU's core strength is its regulatory power. Grevi suggests that the EU needs to understand how to better leverage this power by connecting internal policies and assets to external instruments and objectives. For example, the EU should seek to establish a level playing field for the application of emerging technologies in Europe as a step to shaping related multilateral regimes.¹¹

In meetings at multilateral institutions, Europeans should put cross-border topics for which more cooperation is in the interest of many other countries on the agenda – for example, the free use of the global commons, trade, and climate. In those policy areas, it can draw on its understanding and experience of network agency and proactively engage partners, including non-state actors that share the EU's interest. It should contribute to the reform of international organizations like the WTO in order to ensure improved cooperation. And instead of giving up on its soft power, it should double-down on it, for example, by making better use of science diplomacy. After all, the EU remains an integration project of unprecedented success. It has proven to be much more resilient than many have thought. Its power of attraction – which stems from the peace, prosperity, and democracy it has provided for its citizens – endures despite the odds. To maintain this power, the EU needs to avoid the further erosion of shared norms and values. The EU can only credibly support a rules-based order around it by ensuring its continuity at home and by finding more effective ways to sanction violations of the rule of law by member states.

Shoring up the Transatlantic Relationship

Bracing for a widening rift in transatlantic relations: It has become almost a platitude to state that the main feature of the Trump presidency is uncertainty, but that doesn't make it any less true. Ambiguity in US foreign policy and relations with American allies is likely to persist as long as Donald Trump remains in office. However, another factor has been a

Strong transatlantic relations remain vital

constant since Trump's inauguration: the American president is very skeptical of, if not hostile to, the EU. Other American presidents have also taken the European allies to task or been wary of the EU as an institution, but Trump is the first one to see the EU as a "foe," set up to take advantage of the US. As the 2020 presidential campaign picks up speed, Trump's rhetoric toward his European allies will probably get even sharper as he seeks to fire up his base. Europeans might become subject to further tariffs, which will be a major blow to their economies.

Another feature of the Trump presidency is that he makes linkages between trade and security and puts everything on the table as leverage. He values American allies only to the extent that they enhance the US's strategic position, rendering transatlantic relations more transactional. This is a huge challenge for the EU, particularly because Europeans have outsourced most of their security and defense policy to the US and are therefore dependent on American security guarantees, at least in the short to medium term. This dependency hugely hampers the EU member states' readiness to rally behind the European flag in order to counter Trump's foreign policy since they often don't want to endanger their bilateral relationship with the US. The Trump administration's withdrawal from the JCPOA and the threat

¹⁰ Giovanni Grevi, "Rules first: The way forward for 'shaping power' Europe," Challenge Europe: Yes, we should! EU priorities for 2019–2024, European Policy Centre, Issue 24 (April 2019), p. 95.

¹¹ For a further outline of this argument, see Grevi *ibid*.

of secondary sanctions on European companies has furthermore shown that the EU immediately loses influence and the ability to shape events, also in the economic sphere, when the US decides to torpedo European foreign policy goals.

It is too early to predict the outcome of the 2020 US presidential election; and it is still unclear whether a Democratic president would again seek a more traditional foreign policy with deep engagement in Europe. But America's role as global hegemon – in other words, as a provider of public goods – was questioned not only by Trump but also by his predecessor, Barack Obama. In particular, there is no longer unquestioning support for the idea that globalization, free trade, and multilateral institutions are beneficial to the United States – and economic interdependence is now also seen by many Democrats as a weakness rather than a strength of the United States. Even back in 2011, when President Obama announced his “Pivot to Asia,” it became clear that the US was increasingly focusing on Asia and the Pacific. While the Ukraine crisis brought America's attention back to Europe, in the next five years, the US will increasingly turn from being a “European power” to “a power in Europe.”

Strong transatlantic relations remain vital for the EU. Any attempt to cut loose would immediately undermine Europe's security and split the Europeans – because cracks in transatlantic relations are also always intra-European cracks. On the other hand, Europeans can no longer expect the US to take the lion's share of the defense burden in Europe and its periphery. EU member states and EU institutions must therefore invest heavily in the transatlantic relationship, while at the same time trying to hedge against the attacks of the Trump administration. This requires a diplomatic balancing act, the aim of which must be to remain transatlantic and at the same time become more European. Not all of the criticism of Europe coming from the Trump administration is unjustified: Europeans definitely need to invest more in their own defense, in an EU framework, as well as in NATO, and they must stick to the commitments they have made. As the EU further develops its defense initiatives, it should look for possibilities for Washington to plug into some of the initiatives in a way that is beneficial for both sides.

What is more, Europeans should look beyond the Trump administration and try to engage with other important actors. EU institutions and member states should intensify dialogue at all levels with the

US Congress, governors, and US civil society in the coming years to ensure that transatlantic relations remain vital and a renewed partnership is possible after Trump. The EU should also continue to seek a trade agreement with the US despite the odds.

Trump as a push factor: Trump is not the first US president to convey the message that Europeans need to do more, but he is by far the most vigorous. He makes the Europeans feel the negative consequences of their dependence on America. With America pulling back and expecting more from its allies, a more capable, active, and sovereign EU in security, trade, and global diplomacy is no longer a “nice to have,” but a question of survival. Some argue that Trump is exactly the wake-up call the EU has needed in order to develop a sense of urgency. In that sense, Trump is a challenge, but also an opportunity: after all, Europeans are not only objects of Trump's policy choices. They really can determine their own destiny. Europeans would benefit most from living in a world where the EU was more unified and capable of action on the foreign policy front. But the existence of a more capable EU would likewise enhance the attractiveness of Europeans as American allies. Therefore, Europeans should seize the actual crisis in transatlantic relations to push for further alignment, coordination, and integration of their foreign and defense policy.

Dealing with a Rising China

Avoiding becoming a ping-pong ball in the growing rivalry between Washington and Beijing: Regardless of who wins the US presidential election in 2020, the rivalry between the United States and China is here to stay and is expected to become even more intense. Both the US and China will increasingly see relations with Europe through the prism of this rivalry. They will continue to put pressure on individual member states to take sides on issues such as 5G telecommunications infrastructure and to support their respective agendas. Both actors are pursuing a tactic of emphasizing bilateral relations over dealing with the EU's multilateral structures. The Union needs to make sure that it does not allow the US or China to pit various parts of the EU against one another.

In terms of substance, the EU and its member states increasingly share most of the US's concerns with China, such as its trade policy – especially subsidies and forced technology transfers – and its military build-up and destabilizing policies in Asia, as

well as the further promotion of its authoritarian model in the rest of the world. China actively seeks to influence European politics through initiatives like the 17+1 format and the acquisition of critical infrastructure in EU member states. On several occasions, it has successfully applied a strategy of “divide and conquer,” splitting the Europeans on issues like human rights. Through the Belt and Road Initiative and economic investments in the Western Balkans, it has gained a much bigger footprint in the EU's neighborhood.

While only a few years ago there was great hope in the EU that China would continue to open up and ultimately become a Western-style market economy, Europeans are now increasingly aware of the pitfalls of their dependence on it. The tone toward China has become considerably rougher, and a paradigm shift is emerging in the EU, as evidenced by the disagreements at the joint EU-China summit in April 2019 and the new framework plan for European investment screening. In 5G infrastructure, EU members have not yet completely denied access to Chinese companies, having only introduced a mix of smaller and larger restrictions and security measures, but the debate is intensifying. China is no longer seen merely as a cooperation partner but, simultaneously, as an economic competitor and systemic

However, it is absolutely essential that the political consensus in the EU on its own strategic interests with regard to China be further developed in the coming years. The initiative for this must come from the member states, but the institutions in Brussels should support them at every level.

Strengthening EU-US cooperation on China: In terms of interests and values, Europeans continue to have much more in common with the US than with China. China might continue to position itself as a defender of the international order and multilateralism, but it wants to get rid of this order's liberal basis: democracy, human rights, and market capitalism. Their different approaches toward China notwithstanding, the EU and the US should take the China challenge as an opportunity to align their strategies. Cooperating in this regard would make the transatlantic relationship more valuable, especially from an American perspective. Rather than imitating the US's zero-sum thinking, the EU should try to channel shared US grievances with Chinese trade policies toward multilateral solutions whenever possible, despite the current administration's skeptical view of multilateralism.

This does not mean that the Europeans should subordinate their interests and principles to the Trump administration. There are distinct differences between the American and European approaches to China, and the Europeans should make clear that they are not extended instruments of US external policy. However, the transatlantic partners have so many shared interests regarding China that the EU can often pursue its own goals and please the Americans at the same time. In addition to their shared concerns about Chinese trade policy, Brussels and Washington both have an interest in upholding international law in the South China Sea, for example. For this reason, member states should make greater efforts than in the past to develop points of contact and common policies with the US. In a G2 world, it's not only the Europeans who need a strong partner. It's the United States, too.

The tone towards China has become rougher

rival pursuing alternative models of order. The litmus test will be whether the EU will be able to translate this into a genuine hard-nosed policy based on reciprocity, fairness, and clear demands.¹²

This is difficult because member states are still a long way from having a unified China policy. In bilateral contexts, they often show no real willingness to put Europe first, mostly competing for China's favor and seeking good economic relations. They see China as a source of economic growth, an export market, and an investor. Europe's overriding strategic interest is often secondary.

¹² For more background on the EU and China see Stormy-Annika Mildner and Claudia Schmucker, “Making America Great Again versus Made in China: The US Geo-Economic Rivalry with China,” DGAPanalyse No. 2 (June 2019).

Catching up in the Race for AI and New Technologies

Avoiding permanent dependence on the great digital powers: In order to better assert itself against both China and the US, the EU must enhance its competitiveness in the race for emerging technologies such as artificial intelligence (AI)¹³. Both the US and China are “AI superpowers” that possess the main resources and structures needed to develop and boost AI services. Conversely, Europe still needs to provide the foundation for its firms and researchers to be competitive at the highest level. Time is short, and there is a great risk that Europe will be driven into permanent dependence on the great digital powers. There are three reasons why Europe is currently losing the AI race.

First, Europe lacks the big sets of data that are essential to get AI systems to work. The US, with its big tech companies (Google, Amazon, Facebook, Apple, and, to some extent, even IBM), is well-placed in this respect. China has an even larger data pool due to the sheer size of its population and the rigorous state-driven collection of its citizens' data. Furthermore, it can also boast big tech companies (Tencent, Alibaba, Baidu) that possess mountains of data. In contrast, Europe lacks “domestic champions” in the tech industry, and its data pool is much more limited and fragmented. Its regulatory framework impedes the expensive gathering of available data.

Second, the US and China are miles ahead in terms of their AI-related industry and startup scene. Silicon Valley is still the main innovation hub for AI-linked breakthroughs, while China is catching up at a rapid pace with its “military-civil fusion” model and task-specific startups (for example, SenseTime for facial recognition). The presence of those big tech companies, which can quickly test and apply AI prototypes in practice, also helps startups in the US and China. Europe does boast certain sophisticated AI startups, but they are not supported by the necessary venture capital (US) or state investments (China).

Third, AI talents and experts have become a precious global commodity, one that Europe is struggling to obtain. American and Chinese firms are using a variety of means to attract these talents, whereas Europe has to find mechanisms to maintain its already limited talent pool.

Catching up in New Tech, the European Way: In the face of these structural disadvantages, Europe has to find a way to be a player in the race for new technologies. Europe has a competitive advantage as a regulatory superpower and can set standards and regulations for the world. With its 500 million consumers, it still has the leverage to force big tech companies to comply with the European rules – European data protection (GDPR) and privacy rules being the best

Europe is currently losing the AI race

examples. Nevertheless, effective regulation alone will not promote the emergence of the next Google or a groundbreaking standard. Here, the CFSP is to some extent reliant on other EU policy fields, like research and education. As the single market is completed, Europe should also be able to reap advantages from a larger potential source of data, a bigger pool of AI experts, and a more developed European venture capital scene. The EU should think about what practices it could adopt from the US, or even China, without giving up its values.

HOW TO TAKE THE CFSP FORWARD: GOVERNANCE STRUCTURES AND INSTITUTIONAL SETUP

There are several good ways to further develop the CFSP governance structure in order to better enable the EU to address the aforementioned challenges and to unleash the EU's foreign policy potential. They are not mutually exclusive, but present different options that could be used flexibly depending on what is most likely to be implemented. The Union's ability to act is less determined by the actors and parameters by which the CFSP will ultimately be further developed. Rather, it is more important for everyone to speak with one voice and for the measures to strengthen rather than undermine the cohesion of the EU. The following practical instruments and methods that would improve CFSP's effectiveness

¹³ These sections benefitted greatly from my DGAP colleague Kaan Sahin's insights and suggestions. For further reading see also Ulrike Franke, “Harnessing Artificial Intelligence,” ECFR Policy Brief (June, 2019) <https://www.ecfr.eu/page/-/3_Harnessing_artificial_intelligence.pdf> (Accessed August 30, 2019).

and could be applied within the given operational framework:

- *Focus on strengthening European foreign policy interests through the EU's legal framework, exploiting the full potential of the Lisbon Treaty and utilizing more of its "sleeping beauty" provisions that have so far been untapped.*
- *Embrace the existing trend toward ad hoc coalitions in European foreign policy and ensure that this doesn't weaken EU cohesion and democratic legitimacy.*
- *Take Brexit negotiations as a blueprint for the CFSP.*
- *Redefine the role of the High Representative*

Focus on Strengthening Foreign Policy Interests through the EU's Legal Framework

The Lisbon Treaty provides more scope for the Europeanization of foreign policy than is currently being used. The need to make better use of the treaty's instruments and tools has been an increasingly important topic of discussion in recent years.

Qualified Majority Voting: The cases in which one member state has prevented a common foreign policy position of the EU and blocked the wishes of 26 others have made the shortcomings of the EU's unanimity principle in CFSP decision-making increasingly obvious. This has led to a new push by several member states and the president of the European Commission, Jean-Claude Juncker, to move from unanimity to qualified majority voting (QMV) in certain areas of the EU's Common Foreign and Security Policy.¹⁴

The advantages of QMV are obvious. QMV would give much less incentive to external powers to cultivate Trojan horses in the EU and apply a strategy of "divide-and-conquer." Rather than actually imposing a decision on member states – after all, Article 31 (2) TEU foresees an "emergency brake" that allows a member state to object to a decision being taken by a qualified majority for "vital and stated reasons of national policy" – the procedure would be instrumental in persuading them to compromise in order to build

consensus. At the moment, turning down or blocking common EU positions comes at a very low cost for individual member states. If there were a risk of being outvoted, the costs for the state concerned would increase significantly. If QMV were used more often, member states would hopefully seek to bring their objections into the decision-making process constructively, rather than simply vetoing decisions.

But even though the Commission has gotten public support from some big member states, including Germany, many still oppose any extension of QMV to foreign policy. Small member states in particular fear being constantly outvoted by bigger member states with greater voting power.¹⁵ There is still a lot of resistance to overcome, and the current climate in the EU does not call for more integration. Furthermore, strengthening the decision-making capacity of the EU by QMV could weaken the democratic legitimacy and weight of the decisions taken. Both are greater if the decision is clearly unanimous. Another danger of QMV is that it can lead to deepening rifts inside the EU, as became particularly obvious during the migration crisis, when QMV led to the biggest internal split in recent EU history.

Certainly, QMV is no silver bullet to quickly fix CFSP shortcomings. In general, QMV can only be applied to a very limited number of decisions. Most issues are decided by member states through "soft law," or the "open method of coordination." Here the principle of unanimity would continue to apply. It is therefore time to take the hysteria out of the debate and see QMV for what it really is: a useful tool that can accelerate decision-making in some areas, but certainly only a small building block on the road to making CFSP more coherent and assertive. On balance, increasing the use of majority voting would be the right move. Mogherini remained skeptical of the added value of QMV. Her successor should become an active supporter.

Constructive abstention mechanism: Another key provision is Article 31 (1) TEU. This allows a member state to abstain on a vote in the field of CFSP and to declare that it will not apply a decision, while ac-

14 Art. 31 (2) of the TEU already allows QMV in four exceptional, rather limited, cases, but none of these exceptions has been used in practice so far. Additionally, the so-called "passerelle clause" (Art. 31 (3) of the TEU) enables the European Council to extend the use of QMV by unanimously adopting a decision "stipulating that the Council shall act by a qualified majority in cases other than those referred to in paragraph 2," with the exception of those decisions having military or defense implications. In September 2018, the Commission proposed three specific areas where QMV could be implemented in accordance with the passerelle clause "to ensure that the EU better promotes its values globally, defends its interests, and takes swift decisions to: (1) respond collectively to attacks on human rights, (2) apply effective sanctions, and (3) launch and manage civilian security and defense missions." See the press release of the European Commission on September 12, 2018, on the "State of the Union 2018: Making the EU a stronger global actor – European Commission proposes more efficient decision-making in Common Foreign and Security Policy," <http://europa.eu/rapid/press-release_IP-18-5683_en.htm> (accessed August 30, 2019).

15 For more background on QMV in CFSP, see Leonard Schuette, "Should the EU make foreign policy decisions by majority voting?", CER Policy Brief (May 15, 2019) <https://www.cer.eu/sites/default/files/pbrief_qmv_15.5.19_1.pdf> (accessed August 30, 2019).

cepting that the decision commits the Union. In the spirit of mutual solidarity, the article calls upon the abstaining member state “to refrain from any action likely to conflict with or impede Union action based on that decision.” However, this constructive abstention mechanism has so far been used only once, in February 2008, when Cyprus abstained from adopting a Council Joint Action establishing the EULEX Kosovo mission. Nevertheless, it provides a useful tool to prevent CFSP

In sum, several mechanisms to introduce more flexibility have remained largely underused. Whether their potential will be better exploited in the next political-institutional cycle depends solely on the political will of the member states. When pushing for progress on the implementation of all of these instruments, one needs to be careful not to dissuade more member states from pursuing their common foreign policy interests through the EU legal framework.

“Sleeping beauties” in the treaty: Art. 31 (2) & Art. 32 (1) TEU

decision-making from being blocked, and the High Representative should more readily suggest it in the future.¹⁶ Consideration should also be given to ways of applying constructive abstention to “soft law.”

Enhanced cooperation: The Treaty of Lisbon offers the possibility of multiple speeds in European foreign policy through “enhanced cooperation,” which enables a bloc of states to deepen its cooperation at their own chosen pace. However, “enhanced cooperation” needs to involve a minimum of nine member states, and it can only be used as a means of “last resort” after the Council has stated that the objectives of the cooperation cannot be attained within a reasonable period by the Union as a whole. Consequently, “enhanced cooperation” is another mechanism that has never been used; member states are deterred by the strings attached. The activation of the Permanent Structured Cooperation (PESCO), another Lisbon instrument for differentiated integration, but limited to CSDP, remains a unique exception. Member states will likely continue to shy away from resorting to these possibilities of differentiated integration, despite their provision in the Lisbon Treaty, because they do not want to see a “Europe of two classes” formalized.

Europeanize Ad Hoc Coalitions

Stretching the Treaty of Lisbon to its limits can play an important role, but it will not be enough to rely solely on waking its “sleeping beauties.” In the coming years, European states might have to choose what is more important to them even more often: EU unity or the European ability to act. It might well be that the latter cannot be achieved with all 27 member states (after Brexit). After all, foreign policy challenges cannot wait until the EU has sorted out its internal disputes on the US or China. National governments may be forced to put the achievable ahead of the aspirational.

The logical conclusion is that some European member states may want to move ahead with a selected group of like-minded partners that are ready to act together more expediently. As long as it continues to be more attractive for member states to opt for common action outside the legal framework of the Union in order to avoid legal or practical constraints, they will continue to do so.

States that want to promote CFSP should therefore focus on building coalitions of smaller groups of states to take over foreign policy portfolios and seek ways to make this beneficial for the Union's overall foreign policy. In some cases, it is precisely these minilateral formats – even if established outside the EU – that have led to the CFSP as a whole being further developed. The dialogue between Serbia and Kosovo and the Normandy format have shown that the whole EU can benefit when an informal group acts in foreign policy matters. Both have boosted European foreign policy by achieving concrete results and outputs, which in turn legitimizes the formats.

16 See also Steven Blockmans, “Differentiation in CFSP: Potentials and Limits,” Istituto Affari Internazionali (March 2017), p. 5 <https://www.iai.it/sites/default/files/eu60_5.pdf> (accessed August 30, 2019).

There is good reason to consider taking action with smaller ad hoc groups. Member states define and perceive changes in global politics differently, and the incentives to work together differ widely. As long as such coalitions of the willing do not undermine the cohesion of the EU-27 or negatively affect EU measures taken in relation to the same issue, but rather work toward the attainment of the Union's objectives, they can help to increase the visibility and credibility of the EU as an external actor. In cases of doubt, such as was initially the case with the Three Seas Initiative, the involvement of Commission President Juncker in informal initiatives has been an important step to build trust. The more foreign policy successes the EU achieves, the more confidence member states will have in the EU as a credible foreign policy actor. The successes of previous minilateral formats speak for themselves.

Smaller member states in particular often have concerns about being excluded from minilateral formats and dominated by large member states. It is therefore very important for large member states to respect the sensibilities of smaller partners, taking an inclusive approach and being transparent.

A good working method would be to discuss foreign policy objectives and strategy together in the European Council and then task a coalition of willing-and-able member states with their implementation. This might be particularly applicable in cases where interests of member states align, but priorities differ. The EU could also offer special "packages" (offering resources and tools) to back up member states' engagement. Another idea would be to apply the example of the European Defense Fund to create new financial instruments for foreign policy activities that would force different actors to work together in order to get funding.

To this end, however, it would be necessary for the European Council to deal more closely with foreign policy issues than it has done to date. As national politicians, heads of state and government invest a considerable amount of their time and energy in foreign policy. But this is usually not reflected at the level of the European Council. There are many reasons for this. Firstly, the current president of the European Council, Donald Tusk, has not paid much attention to foreign policy, and he certainly did not steer the debate on foreign policy issues in the European Council strategically. Secondly, the distanced

relationship between Tusk and Mogherini was not conducive to a stronger role for the European Council in external relations. And thirdly, Mogherini did not make optimal use of the fact that she sat in all the meetings of the European Council.

Next, Council President Charles Michel should seek to ensure that the European Council deals more strategically with foreign policy issues in the future. He should also seek a good relationship with the next HR/VP and explicitly ask him to make himself heard in the Council.

In order to increase the legitimacy of any ad hoc coalition, the willing member states should also bring a representative of the EU institutions to the table. This happened during the JCPOA negotiations with Iran, when the HR joined the E3. Another recent example of this is French President Emmanuel Macron's initiative to invite EU Commission President Juncker and German Chancellor Angela Merkel for talks with Chinese President Xi Jinping. This "piggy-

Minilateral formats have brought about progress

back" strategy should be used whenever possible to Europeanize and legitimize member states' informal coalitions. Furthermore, the Commission's and the EEAS's potential to support such coalitions should be better explored and used.

In the aftermath of Brexit, informal groups of states will continue to gain in importance. The EU will remain dependent on British diplomatic, military, and security policy abilities even after Brexit. If the EU is indeed to become a more assertive foreign policy player on the international stage, it also needs to offer attractive "docking mechanisms" to Great Britain, even if it is no longer an EU member state. One idea would be to allow the participation of British representatives, on an ad hoc basis, in meetings of the Foreign Affairs Council and other CFSP processes.¹⁷ It is clearly in Britain's and the EU member states' mutual interest to continue working close-

17 See also Blockmans, "Differentiation in CFSP: Potentials and Limits," p. 11.

ly together in foreign, security, and defense policy. If the EU makes it too difficult to do so within EU structures, governments will find other formats that enable continued cooperation on an ad hoc basis in areas of mutual concern. For example, there is a strong consensus that the E3 format should be maintained, regardless of Brexit.

Apply the “Barnier Method” to CFSP

If CFSP remains a domain primarily driven by member states, there is a danger that it might be reduced to a clearinghouse for distinctly national perceptions of geopolitics. Discussing how to create a stronger CFSP – one that is more than the extended arm of national foreign policies – presupposes that the member states are actually willing to subordinate their own national goals to a common European goal and make the necessary compromises. In other words, that they are prepared to grant real leadership to an actor that speaks and acts on behalf of the EU.

The Brexit negotiations serve as a role model for how such an approach can be successfully implemented, taking the interests of both the member states and institutions into account. The member states agreed on a common position in the European Council. Michel Barnier was selected as chief negotiator for the 27 EU member states, and he was able to speak on behalf of the EU. His task force coordinated the Commission's work on all strategic, operational, legal, and financial issues related to these negotiations. The EU member states were regularly informed of the status of negotiations and discussed further steps in the European Council. Member states remained in the driver's seat of the negotiations at all times. The result was a very strong negotiating position for the EU.

The chief negotiator of the EU might very well be the High Representative – but this is not mandatory. It would also be conceivable for the member states to agree on a representative by policy area, as long as this person enjoys the confidence of EU institutions, in particular the Commission, and the member states. What is crucial is a shared understanding of the foreign policy issue at hand and a joint position regarding the goals and aims that the EU wants to achieve, as well as the member states' willingness to delegate competences and trust.

Redefine the Role of the High Representative

At the beginning of Josep Borrell's term as High Representative of the EU, little remains of the expectations and enthusiasm associated with strengthening this position ten years ago.¹⁸ The full potential of the office has not yet been used – although Mogherini was the first to have a fully functional EEAS. While Mogherini certainly preferred to manage rather than shape European foreign policy, the main reasons for this underperformance are twofold. First, there is an ongoing reluctance of member states to support a more active role and delegate meaningful foreign policy portfolios to the office of the High Representative. Member states simply don't trust the High Representative and the EEAS to negotiate on their behalf.

Second, while the High Representative – in his or her role as Vice-President of the European Commission – is expected to coordinate the EU's external action, the position lacks the necessary authori-

Brexit negotiations as a role model

ty vis-à-vis the Council and Commission. At present, the office sits between the chairs instead of bridging them. Constituting the new Commission, Ursula von der Leyen has avoided strengthening the position of the HR in the Commission's hierarchy by not making Borrell an executive vice president. She has certainly built on Juncker's example and enabled Borrell to coordinate European foreign policy in his function as Vice-President of the Commission, as foreseen in the Lisbon Treaty. However, while he is supposed to ensure that all of the Commission's work linked to defense is coherent and consistent, he is not in charge of the new DG for Defense Industry and Space and the European Defense Fund. What is more, Borrell's role in the implementation of sanctions was weakened in favor of Valdis Dombrovskis'.

There should therefore be realistic expectations from the outset that the future High Representative will have only limited influence and shaping power. Certainly, much will depend on how Borrell un-

18. Nicolai von Ondarza, “A More Inward Looking European Union. The Structural Limits to a more Effective EU Foreign and Security Policy,” in *Divided and Divisive. Europeans, Israel and Israeli-Palestinian Peacemaking*, ed. Muriel Asseburg and Nimrod Goren (Ramat Gan, 2019), p. 11 <https://www.mitvim.org.il/images/Divided_and_Divisive_-_Europeans_Israel_and_Israeli-Palestinian_Peacemaking_-_Edited_by_Asseburg_and_Goren_-_May_2019.pdf> (accessed August 30, 2019).

derstands and fulfils his role. He may be able to lend more energy and charisma to European foreign policy in the future. He has considerably greater experience than Federica Mogherini and is known for not shying away from conflict. In Ursula von der Leyen, he certainly has a partner at the head of the Commission for whom Europe's ability to conduct foreign policy enjoys the highest priority and much will depend on a good relationship between the two. Borrell should further seek better relations with Charles Michel than prevailed between Mogherini and Donald Tusk. Only if the President of the Commission and the President of the Council pull in the same direction and support him he can develop a strong position.

In terms of work share, Josep Borrell should be tasked with a clear mandate from the member states to actually lead some important foreign policy portfolios and negotiate on behalf of the Union, as in the case of Ashton and Mogherini with Iran. One of his first priorities should be to start working on a revised follow-up document to the EU Global Strategy, making sure that member states fully buy in this time around. More visible achievements for the High Representative would, above all, have a positive impact on the public perception of European foreign policy as a whole and give it more legitimacy.

NOT A QUESTION OF ABILITY, BUT ONLY OF WILL

The changing international environment and mounting external challenges have given new momentum to further developing the EU's Common Foreign and Security Policy. Some EU member states – among them Germany and France – have recently re-emphasized the need to make progress and called for a more effective EU foreign policy. The new Commission President Ursula von der Leyen also supports a stronger role for the EU in foreign, security, and defense policy. Additionally, in its new strategic agenda for 2019–2024, the European Council commits to making more resources available and to better using those the EU already has at its disposal. It is therefore important that words are now followed by actual deeds.

If the gap between big announcements and poor foreign policy performance persists, the EU's foreign policy will lose its legitimacy. A clear majority of Europeans would like the EU member states to act to-

gether on the international stage. In Eurobarometer surveys, around two thirds of respondents regularly favor “a common foreign policy of the 28 member states of the EU.”¹⁹ The member states thus have a clear mandate from their citizens to push for a more effective EU foreign policy. If the impression is created that “the EU does not deliver,” this will be fuel added to the fire for Euroskeptic forces.

If the EU really wants to play a greater international role in the future – de facto a precondition of its survival – it must organize itself better and act more coherently and effectively. The reasons that have so far prevented a proactive and coherent European foreign policy are connected to the nature of foreign policy as a core element of national identity and sovereignty. They are also deeply rooted in the structural inconsistency of supranational and inter-governmental elements in CFSP governance. Big institutional reforms, implying treaty changes, are currently not in the cards. Nor is it likely that member states will show an increased willingness to hand over significantly more sovereignty to Brussels.

Useable instruments and methods that would improve CFSP's effectiveness and could be applied within the given operational framework are available, as this report has shown. At this point, the most promising way to push EU foreign policy forward seems to be focusing on informal coalitions of smaller groups of states taking over foreign policy portfolios and seeking ways to make this beneficial for the Union's overall foreign policy. Creating a stronger CFSP – one that is more than the extended arm of national foreign policies – presupposes that the member states are actually willing to subordinate their own national goals to a common European goal and make the necessary compromises.

If European leaders do not manage to come up with a strong collective response at least in the four crucial policy areas identified – protecting multilateralism, shoring up the transatlantic relationship, dealing with a rising China, and catching up in the race for AI and new technologies – they will no longer be able to shape the world according to their preferences in the future.

19 See European Commission, Standard Eurobarometer 89 (Spring 2018), p. 32 <http://data.europa.eu/euodp/en/data/dataset/S2180_89_1_STD89_ENG> (accessed August 30, 2019).

This paper is the result of a research project – funded by the Ministry for Foreign Affairs of Finland and carried out by the German Council on Foreign Relations (DGAP) – that aimed at finding solutions to enhance the effectiveness of the Common Foreign and Security Policy (CFSP) of the European Union. The analysis is based on the discussions during two workshops held by DGAP in partnership with the Policy Planning Staff of the Finnish Ministry of Foreign Affairs in Berlin and Helsinki in April and May 2019.

I would like to thank the Finnish Ministry for Foreign Affairs, in particular Janne Jokinen, for their great support. I also would like to thank all speakers and participants for their valuable contributions and input. I am particularly grateful for my think tank colleagues Sophia Besch, Giovanni Grevi, Christophe Hillion, Barbara Kunz, Tuomas Iso-Markku, Matti Pesu, Philip Rothmann, and Martin Quencez for sharing their insights. Naturally, all responsibilities for the final paper lie with the author.



Advancing foreign policy. Since 1955.

Rauchstraße 17/18
10787 Berlin
Tel. +49 30 25 42 31 -0
info@dgap.org
www.dgap.org
[@dgapev](https://www.instagram.com/dgapev)

The German Council on Foreign Relations (DGAP) is committed to fostering impactful foreign and security policy on a German and European level that promotes democracy, peace, and the rule of law. It is nonpartisan and nonprofit. The opinions expressed in this publication are those of the author and do not necessarily reflect the views of DGAP.

Publisher

German Council on Foreign Relations

ISSN 1611-7034

Editing Helga Beck

Layout Reiner Quirin

Design Concept: WeDo

Author picture(s) © DGAP



This work is licensed under a Creative Commons Attribution – NonCommercial – NoDerivatives 4.0 International License.